

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LISA ANN KABELE,

Plaintiff,

v.

ORDER

12-cv-776-wmc

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

Defendant.

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In response to the Commissioner's most recent status report, informing the court that the ALJ had issued an unfavorable opinion, the court: (1) reopened this case; (2) required the Commissioner to file the supplemental administrative record; and (3) set the case for further briefing. In response, the Commissioner filed a motion for relief under Rule 60(b), explaining that "upon receipt of the supplemental record of proceedings, counsel for the Commissioner determined that the May 2016 ALJ decision had subsequently been vacated and that the proceedings on remand were ongoing." (Def.'s Filing (dkt. #27) ¶ 3.)

Without putting too fine a point on it, the fact that the administrative proceedings were ongoing itself is a fact that *should* have been known to the Commissioner before filing the August 30, 2016, report, which also required prompting from this court. Accordingly, the Commissioner is directed to file the supplemental record of proceedings, at which time the court will evaluate whether it should stay this case again or proceed to review the effective, if not explicit, denial of benefits. The court

also reminds the Commissioner that plaintiff in this case is operating without counsel, and therefore the Commissioner must be more diligent than it has been to date in accurately and timely reporting the status of the administrative proceedings.

ORDER

IT IS ORDERED that: (1) the supplemental administrative record is now due by September 16, 2016; and (2) any briefing is STAYED pending further order of the court.

Entered this 14th day of September, 2016.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge